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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,972	03/07/2002	Klaus Kursawe	CH920000068US1	9293
877	7590	06/15/2004	EXAMINER	
IBM CORPORATION, T.J. WATSON RESEARCH CENTER P.O. BOX 218 YORKTOWN HEIGHTS, NY 10598			SNAPP, SANDRA S	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 06/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,972

Applicant(s)

KURSAWE, KLAUS

Examiner

Sandra Snapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed the European Patent Office on 8 March 2002. It is noted, however, that applicant has not filed a certified copy of the European application as required by 35 U.S.C. 119(b). While the Examiner does acknowledge that a copy of the European application has been submitted, it is not a certified copy from the EPO.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 8, 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 is indefinite because it is not clear what the Applicant means by "rendering?" The term "rendering" is vague and indefinite.

Claims 12 and 13 are indefinite because the phrase "*the* information" (line 5 in claim 12, and line 6 in claim 13) lacks proper antecedent basis. Since this is the first occurrence of the recitation of information it should not be preceded by "the."

Claims 8 and 14 are indefinite because they depend from rejected base claims 7 and 13 respectively.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is non-statutory because the program code is not embodied or saved in a computer readable medium. The Patent Office has taken the position that data must satisfy a two-part test: first, that the code be embodied or saved in a computer readable medium, and second that it be computer executable. Claim 11 fails to satisfy the first part of the test.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by the Pare, Jr. et al. patent (US 5,870,723).

The Pare, Jr. patent discloses a method of providing information indicative of an account status to an account holder via a device connected to a network, comprising the steps of:

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Comparing an actual value with a present parameter (col. 4, lines 50-58), deriving the information in response to a transaction that influences the actual value (col. 4, lines 59-67), and providing the information to the account holder through the device (col. 4, line 59 through col. 5, line 4) (claim 1);

Transmitting the information via the network and receiving the information by the device (col. 4, lines 59-67) (claim 2);

Setting the parameter (col. 5, lines 23-31) (claim 3);

Setting the parameter comprises a limit (col. 5, lines 23-31) (claim 4);

Setting the parameter comprises a region (col. 4, lines 18-42, specifying which account) (claim 5);

Setting different parameters (col. 5, lines 23-31) (claim 6);

Receiving the information comprises rendering the information (col. 6, lines 4-8) (claim 7);

Rendering the information comprises confirming the information (col. 6, lines 4-8) (claim 8);

Receiving the information comprises requesting a password (col. 9, lines 57-67) (claim 9); and

Transmitting the information via the network and receiving the information by the device comprises a wireless communication technique (col. 14, lines 4-16) (claim 10).

The Pare, Jr. patent also discloses a computer program comprising a program code for performing a method of providing information indicative of an account status to an account

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holder via a device connected to a network and when the program is run on a computer, comprising the steps of:

Comparing an actual value with a preset parameter (col. 4, lines 50-58), deriving the information in response to a transaction that influences the actual value (col. 4, lines 59-67), and providing the information to the account holder through the device (col. 4, line 59 through col. 5, line 4) (claim 11).

The Pare, Jr. patent discloses a computer program product comprising program code means stored on a computer readable medium for performing an operation when said program product is run on a computer, the program code means comprising:

A comparator for comparing an actual value with a present parameter (col. 4, line 50-58, comparator is inherent in a computer system that compares), an initiator for deriving the information in response to a transaction that influences the actual value (col. 4, lines 59-67, a initiator is inherent in a computer system that derives information in response to transactions performed therein), and an information output indicating the information to the account holder (col. 4, line 59 through col. 5, line 4, an output device is inherent in a computer system wherein information is provided to the users thereof) (claim 12);

The Pare, Jr. patent discloses a system of providing information indicative of an account status to an account holder via a device connected to a network, the system comprising:

A comparator for comparing an actual value with a present parameter (col. 4, line 50-58, comparator is inherent in a computer system that compares), an initiator for deriving the

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information in response to a transaction that influences the actual value (col. 4, lines 59-67, a initiator is inherent in a computer system that derives information in response to transactions performed therein), and an information output indicating the information to the account holder (col. 4, line 59 through col. 5, line 4, an output device is inherent in a computer system wherein information is provided to the users thereof) (claim 13); and

The device is a mobile device (col. 14, lines 4-16, wireless device is mobile) (claim 14).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Checchio, Maycock, Jr. et al., Walker et al., Dethloff et al., Hogan, Stanford et al., Fleming, Hitchcock, Lawlor et al., Teicher, Molinari et al., and Davis et al. patents are all directed to various types of electronic financial systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SS

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